

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/047,677	HENDERSON, DANIEL A.	
	Examiner REXFORD N BARNIE	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 01/15/2002.
2.  The allowed claim(s) is/are 1-53.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 02/15/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*RJ Barnie*  
REXFORD BARNIE  
PRIMARY EXAMINER  
02/16/05

*Reason for Allowance*

1. The following is an examiner's statement of reasons for allowance: The prior art of record (Chaput et al. 5,263,084) teaches a spontaneous call waiting system wherein when a call waiting alerting tone is received from a central office, a handset is muted and then an acknowledgment is sent back to the central office for reception of the callerID data.

The prior art (Chaput, US Pat# 5,263,084) fails to teach a method for providing to a first party already engaged in a telephone conversation with a second party via a telephone local switching office identifying information related to a calling third party wishing to converse with the first party in a manner that minimizes the time period of a mute condition for a first party, comprising the steps of:

the local switching office sending a call waiting signal to the first party;

the first party apparatus responding to the call waiting signal by transmitting to the local switching office an acknowledgement signal indicating that it is ready to receive calling party identifying information;

concurrently with the transmission of the acknowledgement signal to the local switching office, utilizing at least one notch filter to render the acknowledgement signal substantial inaudible;

the local switching office then transmitting data corresponding to the identifying information related to the third party;

the first party apparatus then receiving, storing and displaying to the first party the identifying information related to the third party as received in the data transmission, thereby allowing the first party to know the identity of the third party; and

the first party apparatus responding to the detection of the end of the data received by terminating the muting of its handsets, thereby allowing the first and second party to resume conversation as claimed and substantially connected in claims 1-53.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Drawings*

Please, submit in formal drawings in response to the notice of allowance.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REXFORD N BARNIE whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RBarnie  
REXFORD BARNIE  
PRIMARY EXAMINER

02/16/05

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